Sectt. II-27—36,000—30-10-37.

Revenue **(1939) Department.**

Ms. SERIES.

(Confl.)

G.O. No. 2296

[Drawn Pp. 16-17 CF 7

DATED 6-9-1939

1,29 (E) Confidential.

[Despatch Abstract.]

Public Servants — Sheik Hassan C. Soweth Karnam Officiating Head Clerk, Taluk Office, Kasaragod Conclusion & name in the approved list-& Deputy Tahsildars — Memorial - Orders passed.

CONFIDENTIAL: C.F. 31—14,000—7-7-37.

Revenue **DEPARTMENT.**

CURRENT No. G2 2645/39 27 4 39

Received ____ 19 . *Registered* 27 APR 1939 19

SECRETARY TO GOVERNMENT REVENUE DEPARTMENT

Subject.

Sheik Hassan K,- (South Kanara) - Officiating Head clerk, Taluk Office, Kasaragod - Inclusion of name in the approved list of Deputy Tahsildars - Reconsideration - Memorial to Government - Submitted.

Reference (Confdl.)No. D.2498/39-1.

Station Madras , *Dated the* 25th April 1939. 19

From

S.Venkateswaran Esq., I.C.S.,
Secretary,

Board of Revenue.

Madras.

F.W.Stewart Esq., C.I.E., M.C., I.C.S.,

Commissioner of Land Revenue.

T.Austin Esq., I.C.S.,

Commissioner of Land Revenue and Settlement.

Read the following:-

Letter from Khan Bahadur Sharif Ahmad Ali Sahib Bahadur, B.A., Collector of South Kanara, D.Dis. No. 1882/39 Confdl., dated 31st March 1939 on memorial from K.Shaik Hassan, dated nil.

H.S.-7 copies I submit herewith the memorial of K. Sheik Hassan, officiating head clerk, taluk office, Kasaragod, now under

appointment
orders of ~~appointed~~ as Monegar, Amindivi Islands, seeking the inclusion of his name in the list of candidates for Deputy Tahsildars' posts. The petitioner had submitted previously one memorial and this was disposed of by the Government in G.O. No. 2895, Revenue, dated 10th November 1938 ~~(communicated with B.P. Routine No. 4898 Confdl., dated 23rd November 1938.)~~

2. The facts of the case have been fully dealt with in this office report D.Dis. Confdl. 63/38, dated 26th August 1938 submitting his previous memorial. The memorialist has passed the age limit of 40 years since the disposal of his previous memorial. I have, however, to point out that there is a dearth of Muslim candidates eligible for the post in this district. Though I have no personal knowledge of the work of the memorialist,-having taken charge of the district recently - I consider that this is a hard case. I have seen the petitioner and do not consider him physicially unfit for the post of a Deputy Tahsildar. I see from his past records that he has acquitted himself well as a Revenue Inspector. He has been working now for some time as officiating head clerk of the Taluk Office, Kasaragod. I see from the confidential reports received from the Tahsildar and the Revenue Divisional Officer that he has been discharging his duties satisfactorily. I recommend that his case may be sympathetically considered by Government.

REFERENCE:

Submitted to the Government.

2. The memorial is liable to summary rejection under Instruction XVII (3)(c) of the instructions for the submission of memorials and petition to the Government issued in G.O. No.271 Public (Services) dated 4-2-1937.

3. The conduct and confidential sheets of the memorialist were before the Government when they passed their order No. Ms.

(F) 2895 Rev., dated 10th November 1938. They will be obtained and submitted again if necessary.

for Secretary. 26.4.39

To

The Secretary to the Government,

Revenue Department, with a memorial.

s.s./26-4-39

5

To

The Secretary To The Government
Of Madras,
Revenue Department,
M A D R A S .

SOUTH KANARA
COLLECTOR'S OFFICE.
16 MAR 1939
No. 1882/39

Through

The Tahsildar of Kasaragod Taluk and
The proper channel.

Humole memorial of K. Sheik Hassan,
Officiating Head Clerk, Taluk Office,
Kasaragod, dated the 10th March 1939.

Respectfully sheweth.-

That your memorialist is a graduate of the Madras University. He is full, qualified for the post of a Deputy Tahsildar, having passed the Revenue Test, the Criminal Judicial Test and the Account Test. He has also satisfactorily undergone the Revenue Inspector's course for more than three years. The fact that the memorialist's work as a Revenue Inspector was well appreciated by the Government will be evident on a perusal of G.O.No. 575, Development, dated 28-4-1934, in which a special reward of Rs. 35/- was sanctioned to him by the Government in consideration of his good work in detecting and successfully prosecuting a big Forest offence case. He was also awarded two red entries, one in 1931 and the other in 1932 for his good work as Revenue Inspector.

2. That in 1936, the then Collector, Mr. A.D.Crombie was pleased to recommend the inclusion of your memorialist's name in the Deputy Tahsildars' list. But his recommendation unfortunately became ineffectual as, your memorialist is led to believe, he was then only a lower division clerk.

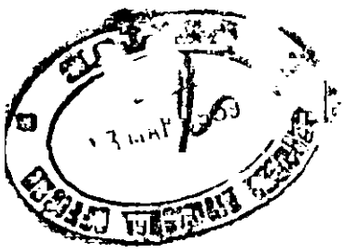
3. That your memorialist's memorial to Government for kind inclusion of his name in the list was rejected in G.O.No. 2895. dated 10-11-1938.

4. That the present Collector was thereafter pleased to promote your memorialist to the Upper Division and has also recently appointed him as Monegar of the Amin Divi Islands.

5. That there is no other member of the memorialist's community qualified for promotion as Deputy Tahsildar at present in this district, and there is also no likelihood of any member of the community qualifying himself for the post for some years to come. Your memorialist's community has already lost three chances.

6. That your memorialist's name not having been included in the list of candidates fit for Deputy Tahsildars' posts, he has just passed the age-limit for inclusion in the list and if such inclusion is postponed any further, all his prospects in the Department will be blighted and despite all his high educational qualifications and good work in the department, he will have to vegetate

in the Ministerial Service till the end. Moreover, the communal Rotation G.O.will be practically a dead letter in this district so far as it relates to Muhammadan community.



7. Your memorialist humbly begs to add that he belongs to a respectable Muhammadan family and that his uncle and father-in-law, Khan Sahib Muhammad Sultan Mohidee Mekhary Saheb who recently retired as Deputy Collector was a faithful and loyal servant of the Government.

8. Your memorilist, therefore prays that under the circumstances the benign Government may be graciously pleased to reconsider the order quoted above and to include the memorilist's name in the list of candidates for Deputy Tahsildarship by kindly exempting him from the age-limit.

For which act of justice and kindness your memorilist, as in duty bound, will ever pray.

Sheikh Hassan
MEMORIALIST.

1661

S. Dis. 2347/39

Submitted to the Collector of S. Kanara through the Rev. Divisional Officer, Puttur.

Kasaragod
10.3.1939

Tahsildar

10

1661-39

11

Rev Depts

Memo No 2264 G/39-1 dt 13.5.39

Public Servants (S. Kanara) - Sheik Hassan K. - Officiating Head clerk, Taluk office, Kasargod - Inclusion of name in the approved list of Dy Labour - Memorial.

Board Proc No. 2498/39-1 dt 25-4-39

List 3C1-

The Board Officer is requested to send the connected conduct and confidential sheets of the memorialist.

Sec to Govt. Dept 15/5

12.5.39

15/5.

12.5.39

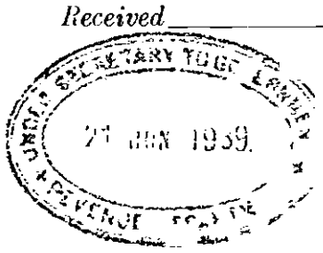
Confidential.

C.F. 31—14,000—7-7-37.

Revenue DEPARTMENT.

CURRENT No. 32485 42

Received _____ 19 *Registered* 21638 19



Subject.

Public servants - (South Kanara) - Sheik Hassan,K Officiating Head Clerk, Taluk Office, Kasaragod - Inclusion of name in the approved list of Deputy Tahsildars.

Reference No. D. 2498/39-3 Confdl.

Station Madras, *Dated the* 20th June 19 39.

From

S.Venkateswaran Esq., I.C.S.,
Secretary,
Board of Revenue.

F.W.Stewart Esq., C.I.E., M.C., I.C.S.,
Commissioner of Land Revenue.

S.V.Ramamurti Esq., I.C.S.
Commissioner of Land Revenue and Settlement.

Read the following:-

Memorandum from Government, Revenue departmentNo. 2264-G/39-1 dated 13th May 1939.

II.

Letter from Sri Diwan Bahadur M.V.Vellodi B.A., Collector of South Kanara, Mangalore No. D.Dis. Confdl. 53/39 dated 2nd June 1939.

Reference

The conduct and confidential sheets of Mr. K. Sheik Hassan are submitted to the Government.

for Secretary. 20.6.39

To the Secretary to the Government,
Revenue department (with 2 sealed covers)
M.R.V./20-6-39.

KHAN BAHADUR,
M. SCHAMNAD, M. L. A.

"SEA VIEW",
KASARGOD, S. K.

22. 7. 1939

LEGISLATIVE ASSEMBLY
MADRAS

MINISTER FOR REVENUE
3 1JUL 1939
GOVERNMENT OF MADRAS

SECRETARY TO GOVERNMENT
31 JUL 1939
REVENUE DEPARTMENT

Dear Sir,

May I bring to your kind notice that Rc 4111/G42 T.S.-3

the petition presented by one Shaik Hussain does not seem to have been disposed off. Now on account of new appointments in connection with commercial taxes several clerks are being recruited as Deputy Tahsildars. But there is not a single muslim in this district qualified to be appointed as such. Three or four terms of vacancies has already to be passed over for want of qualified hands. So therefore may I bring to your kind notice once again the grievance of Mr. Shaik Hussain – who is the only qualified clerk in this district – and hope that they will be redressed soon.

With best regards.

Yours truly
M. Schamnad

Rev Dp. addl

16

REVENUE DEPARTMENT.

C.F.17.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

READ AGAIN G.O.No.2895 Rev, dated 10-11-1938 19—. (F)

,, ,, ,, 19—.

READ *ALSO*:—

No 2264-G/39 Memorial of Sheik Hassan, No. —, dated nil 19—. Mn 5-7 cf

,, — , Board of Rev. Confdl.2498/39-1,, 25-4-1939. Mn 1-3

,, — ,, -do- No.D. 2498/39-3, Confdl., 20-6-1939. Mn 1-2 c

Order Ms. No. 2296, dated 6. 9. 19 39.

Confdl.

Mn 5-7 cf

(F)

Mn 1-2 cf

Mn 1-3 cf

In his memorial read above K.Sheik Hassan, acting Head clerk, Talul office, Kasaragod, South Kanara District has requested that the orders in G.O.No. 2895 Revenue, dated 10-11-1938, may be reconsidered and that his name may be included in the approved list of Deputy Tahsildars after being exempted from the age rule. The Collector of South Kanara in his letter dated 31-3-1939 submitted with the Board's reference dated 25-4-1939 has recommended the memorialist's case for favourable consi-

deration

17

-4-

consideration for the reasons given in paragraph 2 of his letter. His Excellency the Governor is pleased to accept the Collector's recommendation and under section 241(5) of the Government of India Act, 1935, hereby relaxes rule 5(a) of the Madras Revenue Subordinate Service Rules to enable the memorialist, name being included in the Deputy Tahsildar's list. ~~and appointed as Deputy Tahsildar.~~

2. The memorialist is referred to the Board of Revenue for orders on his memorial to the Government.

2-8-38

To

The Board of Revenue (with ~~enclosures~~ returned)

K.Sheik Hassan Sahib, Acting Head clerk, Taluk office, Kasaragod, S. Kanara (para 2 only).

Confidential. 18

C.F. 31—17,006—9-2-37.

REVENUE DEPARTMENT.

CURRENT No. 863 G

Received ..... 19 *Registered* 27 FEB 1940 19

SECRETARIAT G. REVENUE DEPARTMENT

Subject.

Sheik Hassan Sahib Mr. K- (South Kanara)- Officiating Monegar, Amindivi Islands- Appointment as Deputy Tahsildar- Memorial to Government- Submitted.

Ref. Confdl. D. No. 1031/40-1,

Station Madras, *Dated the* 26th February 1940.

From

S. Venkateswaran Esq., I.C.S.,
Secretary,

Board of Revenue.

C. A. Henderson Esq., C.S.I., V.D., I.C.S.,
Commissioner of Land Revenue and Irrigation.
S. V. Ramamurti Esq., I.C.S.,
Commissioner of Land Revenue.

READ the following:-

Mp 3-9 infra Memorial dated 23rd December 1939 from Mr. K. Sheik Hassan Sahib and Endorsement thereon from A. C. Woodhouse Esq., C.I.E., Collector of South Kanara, D.Dis.No.390/40 dated 29th January 1940.

--

Sub;- Sheik Hassan Sahib (K)- Upper Division Clerk and Officiating Monegar, Amindivi Islands- Appointment as Deputy Tahsildar- Memorial to Government.

Mp 3-9 infra

I forward herewith the memorial dated 23rd December 1939 of K. Sheik Hassan Sahib, officiating Monegar, Amindivi Islands, requesting that he may be appointed to the cadre of Deputy Tahsildars immediately and that if this is considered in-expedient Rule 5(a) (ii) of the Special Rules for the Revenue Subordinate Service may be relaxed so as to

+ alp 289 7 18 N 14

enable him to be appointed as Deputy Tahsildar before he attains his 45th year. It is a fact that 4 Mohammadan chances have been passed over so far, for want of qualified candidates from that community. But, there are now 2 probationers of other communities awaiting re-appointment. The memorialist will get his chance of appointment after these 2 probationers are absorbed in the service. It cannot, however, be said when exactly his chance will come.

2. Rule 5 (a)* of the Revenue Subordinate Service Rules has been relaxed in favour of the memorialist in G.O. No. Ms. 2296 Revenue (Confidential), dated 6th September 1939 communicated with Board's Reference No.D.2498/39-4 (Confdl) dated 25th September 1939. It does not appear that any further relaxation of Rule 5 (a)†(ii) is necessary as prayed for by the memorialist.

* at p 899 g No (14) (A) Pp 22-23 n.c

† at p 899 g/10 No (14)

REFERENCE.-

Submitted to the Government.

2. In their order No.Ms. 2296, Revenue dated 6th September 1939 (Confdl), the Government relaxed Rule 5(a)* of the Madras Revenue Subordinate Service Rules to enable the memorialist's name being included in the approved list of Deputy Tahsildars. It is not however clear whether the order included relaxation of the age limit both under clause (i) and⊗ (ii) of Rule 5(a). If, in their order referred to, the Government meant only relaxation of Rule 5(a)* (i) only, the Board considers it reasonable to extend the relaxation to Rule 5(a)(ii) also to enable the memorialist being appointed as Deputy Tahsildar upto the age of 45 years. Relaxation of Rule 5(a) (i) alone would not be a great favour.

(A) Pp 22-23 * at p 899 g/10 No (14)

⊗ —do—

—do—

—do—

—do—

For Secretary.

To
The Secy. to Govt., Revenue Dept.,
(with a memorial).

GR.26/2/40.

26.2

Pp 3-9 infra

To

The Secretary to the Government

of Madras, Revenue Department,

Madras.

SOUTH KANARA
COLLECTOR'S OFFICE.
11 JAN 1940
No.

Humble memorial of K. Sheik Hassan Sahib, monegar, Amin Divi Islands, South Kanara, Through the Collector of South Kanara, Dated 25rd December 1939.

Respected Sir,

The memorialist named above while being highly grateful to the benign Government for favouring him with the inclusion of his name in the Deputy Tahsildar's list as per G.O.No.2296 Rev. Confidential dated 6.9.1939 most respectfully begs to submit the following representation in connection therewith.

2. That in the Order quoted above, the Government have been pleased to relax Rule 5 (a) of the Madras Revenue Sub-ordinate Service Rules in the case of the memorialist and in accordance therewith the memorialist has been invested with third class powers as per G.O.R. 1111 dated 30.9.1939.

3. The memorialist begs to submit that Rule 5 (a) of the Sub-ordinate Service Rules specifies two conditions for appointment in category 2 of class 1 viz. (1) that the candidate for appointment should be less than 40 years of age for his name being included in the approved list of candidates and (2) that he should secure an appointment in service before attaining his 40rd year of age. From the Government order quoted above, it is apparent that the relaxation of the Rule 5 (a) quoted therein relates to only Rule 5 (a) (1) for the inclusion of the memorialist's name in the list

of approved candidates and not to his appointment after attaining his 43rd year of age.

4. The memorialist begs to state that his date of birth being 17.9.1898, he is now 41 years and three months old and will complete his 43rd year on 17.9.1941. At present there are five probationers in the District (1) A.S.Pai (2) B.Narayana Rao (3) A.G.Pinto (4) B.G.Rao and (5) P.S.Shetti, in the cadre of Deputy Tahsildar magistrates, two of whom (Nos.3 and 4) have once acted in the cadre and reverted for want of vacancies. All these five were juniors to the memorialist, when the memorialist was fully qualified for the post, though they were appointed to the cadre of Deputy Tahsildars in short vacancies in preference to the memorialist owing to the fact that the name of the memorialist was not included then in the approved list of Deputy Tahasildar candidates. If the memorialist's name had been included in the list in 1936, when he was fully qualified for such inclusion in the list and when he was specially recommended for the purpose by the then Collector Mr. A.D.Crombie, C.I.E., I.C.S., he would have been appointed to the cadre long before the above-mentioned men according to the Muhammadan turn fixed in the Rotation G.O. and there was no necessity for the memorialist to approach the Government with this representation.

5. The memorialist begs to submit that he was senior to the five men and was fully qualified for appointment as Deputy Tahsildar, when they were appointed to officiate in that cadre in short vacancies, though the memorialist's name was not included in the list for no fault on his part. Thus, the memorialist believes that the Government having now set right the injustice done to the memorialist, he can claim precedence over

those five men, when filling up the next vacancy, if any in the Deputy Tahsildar's cadre according to the communal G.O.inasmuch as the claims of Muhammadans as per the prescribed rotations were entirely ignored on previous occasions on the ground of want of qualified men of the Community.

6. The memorialist begs to represent that, if he is not allowed precedence over those probationers referred to for the reasons stated in para 5 above and if he is required to wait for his turn till the probationers who have once reverted for want of vacancies are again provided in the cadre, there is no likelihood of arising of any opportunity for the memorialist to enjoy the benefits of the Government Order including his name in the list in as much as he will complete his 43 years of age by 17.9.1941 and the vacancies arising in the District are too few and far between.

7. The memorialist submits that if he is not appointed immediately to the cadre of Deputy Tahsildars, the Government Order including the name of the memorialist in the Deputy Tahsildar's list and investing him with magisterial powers will be practically ineffectual, as his attainment of 43 years of age shortly will be a bar to his promotion as Deputy Tahsildar. Moreover, it need hardly be reiterated here that not only the communal rotation G.O. will be a dead letter in the District so far as the Muhammadan community is concerned for want of other qualified Muhammadan candidates, but also with all the favour and concessions shown to him by Government in the matter of the inclusion of his name in the Deputy Tahsildar's list will have to rot in the ministerial service for the remaining period of his career for no fault on his part, though he is a Graduate possessing all qualifications necessary for

cfd. 2296
Rev d 6-3-39
(A)

promotion.

8. The memorialist, therefore, humbly prays that on a kind consideration of all the facts stated above and the unique circumstances under which his juniors have superseded him, the benign Government may be graciously pleased to order that the memorialist be appointed to the cadre of Deputy Tahsildars immediately. If, however, it is considered inexpedient to grant the above prayer, the memorialist prays that the benign Government may be pleased at least to relax Rule 5 (a)(ii) of the Madras Sub-Ordinate Service Rules to enable him to be appointed to the Deputy Tahsildar's cadre till he attains his 45th year and thereby enjoy the benefits of the Government order directing his name to be included in the Deputy Tahsildar's list after relaxing Rule 5 (a) (2)(ii) of the Service Rules; for which act of justice and benevolence, the memorialist will ever remain grateful.

Sheik Hassan
Memorialist.

awke

2K

Rev Dept

Confidential

Memo No 8863 Ey/40-1 dt 8-3-40

Public Servants-(South Kanara) - Sheik Hassan Sahib Mr. K. Officiating manager, Minicoy Island Appointment of Dy. Tahsildar. Memorial to the Govt. from the Bd. of Rev. Confdl D. No 1031/40-1 dt 26.2.40.

CF

The Bd. of Rev is informed that the intention of the Govt. in passing the orders in their G.O. No 2296 Revd dt 6.9.39 was that rule 5(a) of the Madras Revenue Subordinate Service rules should be relaxed to the extent necessary to enable the memorialist to be tried as a Deputy Tahsildar.

Secy's note at A/P 22-23 ¶ p 4 N 7.

¶ p 399 Bk No (14)

6.3.40

To,

The Bd of Revenue

Dept 65/40

6.3.40.

Rev Appn

Sheik Hassan K – (S. Kanara) – Off Head clerk, Taluk Office, Kasargod – Inclusion of name in the approved list of Dy Tahsrs – Reconsideration – Petition.

Cmd 2264 G/39

Mn 1-3 cf

From the Bd of Rev D. 2498/38-B

25-4-39.

To WS

Pl 5-7 cf

Please see the petition of K. Sheik Hassan, Off Head clerk, Taluk Office, Kasargod at pp 5-7 cf and the Remarks of the Collector and the Board of Rev thereon at pp 1-3 cf. The petitioner's request is that his name may

Para 8 on p 7 cf

be included in the list of candidates for Dy Tahsr's post by exempting him from the age-limit.

2. The petitioner submitted a memorial to the Govt on the same subject in ~~October~~ August, 38 and in that connection the petitioner's case was noted upon in detail at pp 2-3 of G.O 2895 Rev dy 10. 11. 38. The Collector and the Bd of Rev

Pl 5-11 of (F)

(F)

Pl 2-3 of (F)

then considered that the petitioner was definitely unsuitable for the post of Dy Tahsr and under Govt noted that the mere fact that the petitioner was a Graduate did not entitle him to appointment to a post for which selection was made on grounds of merit, ability and suitability.

Pl 4 of (F)

The memorial was accordingly rejected by H.H.Rev.

3. The petition at pp 5-7 of does not contain any new facts which were not represented before except that the petitioner has since been promoted to the Upper division and appointed as Tumegan of the Amin Diri Islands. The present Collector, for the reasons stated in para 2 of the letter at p 2 of, Recommends the case of the petitioner for sympathetic consideration. The Conduct sheets of the petitioner have not been called. The Board states that they were before the Court when they passed orders vide No 2895 Rev/I/6.11.38 and that they would be obtained and called again if necessary.

^ add - 5

para 4 on pl 3/-

Mr 2

(F)

4. If the petitioner's request is to be complied with, the age rule (Rule 5 of the Revenue Rule Service Rules) will have to be relaxed in his favour.

p 399 of ~~Rules and~~ M S Manual v H.H. (Report)

For orders

5-39

There is no case for any reconsideration. H. H. may however see.

4/5

The Conduct and H. H. Rev. Confidential sheets of the petitioner may be called for

H 11/5/39

cii: 4-5-39.

Ls 2-8

With reference to the orders on p2 ante, a draft Memo to the Bd of Rev is submitted for approval.

12-5-39

13/5.

9 cf [Issued as our no 2264 Rg/38-1. dt 13-5-39]

2 N cf [From the Bd of Rev Ref no D-2498/38-3 dated dt 20-6-39]

To HS

Please see Hon'ble's note on p 2 ante. The Conduct and Comptl sheets of Mr. Sheik Hassan have been obtained and submitted below in two sealed covers. The file may be submitted to Hon Rev for orders.

25/6/39

26.6.39

27/6

Cri: 27.6.39.

H. M. Rev. may be tried

JP. 28/7/39.

To HS

Please see the notes from p 1 ante. H.E. Rev has ordered that the memorialist may be tried as a Dy Collr. The Collr

has stated that the memorialist has passed the age limit of 40 years. If the memorialist's name has to be included in the list, Rule 5(a) of the R. S. S. Rules will have to be relaxed. A draft order is submitted for approval. With regard to the Public Deptt. no note no 465-2 of 6.7.39 this file may be sent to Chief Secy before circulation to HPM & HE.

28-39

C.S.

Public (Services) Dept.

The petitioner's case is set out in Revenue Dept.'s note at pp. 1-2 ante. H.M.(Revenue) has ordered that the petitioner may be tried as Deputy Tahsildar again. The appointment of the petitioner as Dy.Tahsildar involves the relaxation in his favour of rule 5 of the Madras Revenue Subordinate Service Rules which prescribes an age limit of 40 for inclusion of a candidate's name

5

in the Deputy Tahsildar's list.

With reference to the instructions in U.O. Note No.1965-2, Pub(Ser), dated 6-7-1939, the case has to be seen by the Chief Secretary. In this case the inclusion of the candidate's name in the Deputy Tahsildar's list by relaxation of rules and his appointment as Deputy Tahsildar would postpone the chance of appointment of a candidate who is within the age limit and who is qualified and fit for appointment as Dy. Tahsildar. H.E's concurrence is therefore necessary with reference to section 52(1)(c of the Government of India Act, 1935 - please see portion marked A at page 2 of Pub(Ser) U.O.Note No.16847/38-3, dated 19-7-1938. Revenue propose to circulate the file to H.E.

The file may be returned to Revenue.

7/8/39

Rev

Pub(Ser) 22762/397

ASSISTANT SECRETARY TO GOVERNMENT OF MADRAS REVENUE DEPARTMENT
-9 AUG 1939
42976/39

Please see the note at pp 4-5 above.

9/8

cc: 9.8.39.
Roc 79

H.P.M. In view of what the Collector has written the request may be granted. C.R. 22.8.39

H.E.

I do not like this compassionate relaxation of rules and would draw the Premier attention to

6

remarks of Mr Kellock who had been in the district for some time. (page 3. of Flag F). Would the Premier re-consider can?

E. 24.8.39

Submitted

ben
·25/8

Here too I would say if H.M Rev. wants such people to be tried, I would not interfere with what falls within his work exclusively. C.R. 3.9.39

H.M. Rev.
H.P.M.

Box

Ci 26.8.39
C.34.

E. 3.9.39

ben
5/9

Inc 5/9

Revenue Department.

Public Servants - D (South Kanara) - Sheik Hassan Sahib Mr.K. officiating Monegar, Amindivi Islands - Appointment as Deputy Tahsildar - Memorial to Government

From the Board of Revenue, Ref.Confl.D.No.1031/40-1 dated 26-2-40.

[C.No.863G/40-] CF.

To U.S.

Please see the memorial dated 23-12-39 of Sheik Hassan Sahib, officiating Monegar, Amindivi Islands at pages 3 to 9 cf. and the Collector's letter and the Board's reference at pages 1 to 2 cf.

1 p 399 of S. Manual Vol II Edn No (14)

2. Under rules 5(a)(i)&(ii) of the Madras Revenue Subordinate service rules no person shall be eligible—

(1) to have his name included in the list of approved candidates for appointment to the service in the category of Deputy Tahsildar, if he has attained the age of 40 years; and

(ii) for appointment to the service in that category, if he has attained the age of 43 years.

The date of birth of Sheik Hassan Sahib, the memorialist is 17-9-1898 and he completed his 40th year on 16-9-38 and he will complete his forty-third year on 16-9-41.

Note A at p 13 of G.O. No 2895 Rev dt 10.11.38 (F)

3. The memorialist submitted a memorial to the Government in 1938 requesting that his name may be included in the approved list of Deputy Tahsildars. On merits, both the Collector and the Board considered the memorialist definitely unsuitable for the post of Deputy Tahsildar. In G.O.No. 2895 Rev. dated 10-11-38, the Government rejected his memorial.

θ pp 5-11 of G.O. No 2895 Rev dt 10.11.38 (F) para 12 at p 11 of (F)

p 3 of (F)

F p 17

In 1939, the memorialist submitted another memorial in which he requested that the orders issued in G.O.No.2895 Rev. dated 10-11-38 might be reconsidered and that his name might be included in the list. The then Collector (Khan Bahadur Sheriff Ahmed Ali Sahib Bahadur) recommended the case of the memorialist for sympathic consideration.

× p 5 of (A)

M at p 9 of (A)

para 2 of the D.O. letter at p 1 of (A)

The Ex-H.M. Revenue considered that he might be tried a[nd] t-H.P.M. agreed. Attention ~~in this connection~~ is invited to the orders in circulation at pages 20-21 of G.O.No.2296 Rev. dated 6-9-39. In this G.O., orders were issued relaxing rule 5 (a) of the M.R.S.S. Rules to enable the memorialist's name being included in the Deputy Tahsildar's list. ~~In his~~ In his memorial dated 23-12-39 the memorialist has requested that rule 5(a)(ii) of the M.R.S.S. Rules may be relaxed in his favour to enable him to be appointed as Deputy Tahsildar till he attains his forty-fifth year.

The Board has stated that it is not clear whether the orders issued in Go.No.2296 Rev dated 6-9-39 included the relaxation of age-limits born under clauses (i) and (ii) of Rule 5(a) of the M.R.S.S. Rules. The Board considers it reasonable to extend the relaxation to rule 5(a)(ii) also to enable the memorialist being appointed as Deputy Tahsildar up to the age 45 years in case the Government meant the relaxation of rule 5(a)(i) only in their orders. It is submitted that in G.O.No.2296 Rev. dated 6-9-39, ~~orders were issued relaxing the~~ rule has relaxed 5(a) of the M.R.S.S. Rules in favour of the memorialist only to enable his name being included in the Deputy Tahsildar's list as requested by him. It does not appear that relaxation of rule 5(a)(ii) for his being appointed as Deputy Tahsildar was meant. The memorialist has time up to 16-9-41 for being appointed as Deputy Tahsildar. It ~~is submitted~~ seems therefore that the question of relaxing ~~the~~ rule 5(a)(ii) in favour of the memorialist at present is premature. In the circumstances, it is for orders whether the Board's recommendation to relax ~~the~~ rule 5(a)(ii) in favour of the memorialist ~~as~~ to enable him to be appointed as Deputy Tahsildar up to age of 45 years may be accepted.

5. The Board has not submitted the conduct

vide pp 3-6 NF (A) and 4-2.

(A)

p-17 of (A)

at pp 3-9 cf.

M at p 9 CF

(A) pp 16-17 of vide para 2 of the Govt's reference at p 2

do

(A) / pp 16-17 of

vide M at p 9 of (A)

× at p 329 of MR No (14)

At the same time the Coll: has pointed that 4 Mohammadan chances have been passed over so far, for want of qualified candidates from that Community, that there are now 2 probationers of other Communities awaiting reappointment, and that the memorialist will get his chance after these 2 probationers are absorbed and that it cannot be said when his

and confidential sheets of the memorialist.

hp 16-17 ⑧ 2.3.40

× p 399 ante No (14) 4.3.40.

G.O No 2296 Rev. of 6.9.39 constitutes only a relaxation of rule 5(a)(ii) to enable the memorialist's name to be included. The question is whether this relaxation alone fulfils the intention of H.M. Rev "he may be tried", or whether rule 5(a)(ii) M.R.S.S. Rules should also be relaxed. Although the memorialist did not specifically make a request for the relaxation of rule 5(a)(ii), he does request immediate appointment, and it may be inferred that his intention has been to secure the waiving of the age-limit both for inclusion in the list and for appointment.

→ over p 2 ante

A at p 9 ante

H.P.
4/3
S

There can be no question regarding the intention of the Govt in passing the order at (A). They intended to relax the rule for the purpose of enabling the

hp 16-17 ⑧

memorandum's name included in
the list, but of giving the
memorandum a total as Dy. Tal.

See fols 3-6 NF(A)

The draft regarding put up
made this clear. The attention of at p 174 (A)
to the A.S. was given with
the draft. The Bd. may
be informed that the attention of
Govt. was drawn vide S(a), ibid at p 399 of this NO
to and the earlier necessary
to make the memorandum
final as a Dy. Tal.

Sd
6.9.

Rev Dept

To U-S.

A draft memo is submitted for approval. After issue, the papers may be shifted with Gov. No 2296 Rev d 6.9.39 (A)

Sd
6.9.39

Sd
6.9.40